

REMARKS / ARGUMENTS

I. General Remarks and Disposition of the Claims.

Claims 1-90 and 175-185 are still pending in this application. Claims 91-174 previously were withdrawn in response to a restriction requirement. Claims 12, 175-177, and 184-185 are currently amended herein.

II. Objection to Certain Claims as Being Dependent Upon Rejected Base Claim.

The Examiner has objected to claims 40, 176-178, and 181-185 as being dependent upon a rejected base claim, and has indicated that each claim would be allowable, if rewritten in independent form to include all limitations of the base claim and any intervening claims.

With respect to claim 40, which depends upon currently-rejected claim 39, Applicants have not amended claim 40. Rather, Applicants have presented arguments below to demonstrate that claim 39 is novel over the art of record. Accordingly, Applicants respectfully assert that no amendment to claim 40 is needed. Applicants respectfully request removal of the objection to claim 40, and a notice of allowance for claim 40.

With respect to claims 176-178, which depend upon currently-rejected claim 175, Applicants have amended claim 175. Applicants respectfully request removal of the objection to claims 176-178, and a notice of allowance for these claims.

With respect to claims 181-185, which depend upon currently-rejected claim 175, Applicants have amended claim 175. Applicants respectfully request removal of the objection to claims 181-185, and a notice of allowance for these claims.

III. Rejection of Certain Claims Under 35 U.S.C. § 102(b) in View of Adams '852.

Claims 39, 175, 179, and 180 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 3,994, 852 to Adams *et al.* ("Adams '852"). The Examiner states that Adams '852 discloses:

a method that includes a method of cementing in a
subterranean formation comprising the steps of:

providing a cement composition comprising a hydraulic cement, water, and a fluid loss control additive, the fluid loss control additive comprising: an acrylamide copolymer derivative; an inorganic compound; and a dispersant; placing the cement composition into the subterranean formation; and permitting the cement composition to set therein.

(Office Action, at 2 (emphasis added)). Applicants respectfully assert that Adams '852 fails to disclose all elements of claim 39, as required to anticipate a claim under 35 U.S.C. 102. In particular, Applicants respectfully submit that Adams '852 nowhere discloses a fluid loss control additive comprising an acrylamide copolymer derivative, an inorganic compound, and a dispersant, as recited by Applicants' claim 39. Indeed, the only disclosure of an inorganic compound provided in Adams '852 is a single statement that water used in providing a cement slurry may comprise "a significant portion of dissolved inorganic salts." (Adams '852, Col. 3, ll. 5-8.) Moreover, Adams '852 views the presence of inorganic compounds as undesirable, stating "[p]roblems are also often encountered where it is desired to use sea or other salt water, i.e., brine or water containing a significant portion of dissolved inorganic salts. . . ." This stands in sharp contrast to claim 39 of Applicants' present invention, which purposefully combines an inorganic compound with an acrylamide copolymer derivative and a dispersant to provide improved fluid loss control. Therefore, Applicants respectfully assert that claim 39 is novel and nonobvious over Adams '852. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) against claim 39, and claims dependent therefrom, and further request the timely issuance of a Notice of Allowance for these claims.

With respect to claim 175, Applicants have amended this claim to specify that the fluid loss control additive comprises an iron compound, which Applicants respectfully assert that Adams '852 neither discloses nor suggests. Therefore, Applicants respectfully assert that claim 175, as Currently Amended, is novel and nonobvious over Adams '852. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) against claim 175, and further request the timely issuance of a Notice of Allowance for this claim.

With respect to claims 179 and 180, those claims depend from claim 175, which Applicants have shown immediately above to be novel and nonobvious over Adams '852. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) against

claims 179 and 180, and further request the timely issuance of a Notice of Allowance for these claims.

IV. Rejection of Claim 175 Under 35 U.S.C. § 102(b) in View of Certain References.

Claim 175 stands rejected under 35 U.S.C. § 102(b) as anticipated by any one or all of U.S. Pat. Nos. 4,791,989, 5,076,852, 4,883,125, and 4,367,093. With respect to these references, the Examiner has stated:

The above references each disclose a method that includes a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an organic compound and an inorganic compound.

(Office Action, at 2.)

As previously noted herein, Applicants have amended claim 175 to specify that the fluid loss control additive recited therein comprises an iron compound, which Applicants respectfully assert that none of the above-mentioned references discloses or suggests.

Therefore, Applicants respectfully assert that claim 175, as currently amended, is novel and nonobvious over the references cited above. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) against claim 175, and further request the timely issuance of a Notice of Allowance for this claim.

SUMMARY

In light of the above remarks and amendments, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

CONCLUSION

Applicants believe that there are no fees due in association with this filing of this Amendment and Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to Baker Botts L.L.P. Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 063718.0152.

Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

By: 

Thomas M. Morrow
Reg. No. 55,469
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: 713.229.4006
Facsimile: 713.229.7906
EMAIL: Tom.Morrow@bakerbotts.com

April 21, 2005